

Exhibit 4

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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN JOSE DIVISION**

13 **EVOLUTIONARY INTELLIGENCE, LLC**

14 Plaintiff,

15 v.

16 **SPRINT NEXTEL CORP. et al.,**

17 Defendants.
18

Case No. 5:13-cv-4513-RMW

AFFIRMATION IN SUPPORT OF
AUTHENTICITY OF ATTACHED
EXHIBITS

19 I, Kenneth A. Matuszewski, declare the following:
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21 I am an Associate at the law firm of Rabicoff Law LLC, attorneys for Plaintiff
22 Evolutionary Intelligence, LLC (“Evolutionary”). I make this declaration in support of Plaintiff
23 Evolutionary’s Memorandum of Points and Authorities in Support of its Motion for Relief from
24 Judgment under Fed. R. Civ. P. 60(b)(6). Unless otherwise noted, I have personal knowledge of the
25 information discussed herein, and if called upon to testify, I could and would do so competently.
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27 1. The documents attached to this Declaration are all publicly available from PACER.

28 2. Attached as Exhibit 1 is a true and accurate copy of the publicly available decision
from PACER: Plaintiff-Appellant’s Corrected Opening Brief and Addendum, *Evolutionary*
Intelligence, LLC v. Sprint Nextel Corp., et al., 16-1188 (Fed. Cir. 2016) (No. 94).

